

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	CRIMINAL NO. 05-10154-MLW
v.)	
)	
JOHN J. DIAMONT, JR.,)	
Defendant)	

GOVERNMENT'S REQUEST TO UNSEAL
MOTIONS TO QUASH SUBPOENAS TO ACCOUNTANTS

Now comes the United States, by its attorney, and moves the Court to unseal the motion(s) to quash subpoenas issued to certain accountants in this case, and states:

1. On January 31, 2006 the United States received from the Court the electronic notice attached as Exhibit A which seems to indicate that O'Brien Grant and Associates and Abrams Little-Gill Loherfeld PC filed something in this case yesterday.

2. The United States has spoken with Harry Mezer, Esquire, the attorney for these two accounting firms, and he indicates that he and his clients have no objection to the United States being served with a copy of any pleadings which were filed.

3. By letter dated January 19, 2006 the United States received from defendant's counsel a copy of a subpoena directed to Abrams Little-Gill Loherfeld PC. The cover letter indicated it was being provided to the government "[i]n accordance with Magistrate Judge Dein's instructions," but there was never any explanation why this subpoena was being provided to the Government, but not others.

4. The United States may have information relevant to resolution of any motion to quash. For example, the United States has made available to the defendant as part of automatic discovery certain accountants work papers received from Abrams Little-Gill Loherfeld PC relating to S. Strogoff & Co., Inc.

5. As a party to this case the United States is entitled to be served with all pleadings in the case. Fed. R. Crim. P. 49(a). There has been no showing by any party here that any motions which have been filed should be considered on an ex parte basis.

WHEREFORE, the United States requests that the Court order that any motion(s) which were filed by the two accounting firms be unsealed and served on the United States, and that any responses to such motions be served on the United States as well, unless a motion has been made, and granted, with notice to the United States, as to why the defendant should be permitted to proceed ex parte in response to these motions. Local Rule 7.2(d).

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By:

/s/ Peter A. Mullin
PETER A. MULLIN
Assistant U.S. Attorney

Dated: February 1, 2006

CERTIFICATE OF SERVICE

I, Peter A. Mullin, Assistant U.S. Attorney, hereby certify that I have caused a copy of the foregoing document to be served on counsel of record by electronic filing this 1st day of February, 2006.

/s/ Peter A. Mullin
PETER A. MULLIN
Assistant U.S. Attorney

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CLERK'S NOTICE

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